

Exhibit D

From: [Holtzblatt, Ari](#)
To: rteich@juno.com
Cc: [Mehta, Sonal](#); clocicero@tlolawfirm.com; kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; [Jennings, Molly](#); [Schultz, Allison](#)
Subject: RE: CHD v. Facebook, et al.
Date: Wednesday, September 9, 2020 5:06:55 PM

Roger,

We will put the stipulations on file and I will get back to you on your requests that we accept service. I will also get back to you about the two phone conversations that you have asked to schedule once I speak to my client about them. However, I must correct one item in your email, which does not accurately summarize our call. We did not agree to calendar a call regarding ESI-retention protocols at this time. As I told you, before agreeing to schedule any such call, we will need to confer with our client. As I also explained, my preliminary view is that such a call is premature so far in advance of the CMC conference. And, of course, not every defendant has even been served at this point. In my experience, any meet-and-confer regarding CMC topics is ordinarily held two weeks or so before the CMC statement is due to be filed (which, in this case, is November 13, for the November 20 conference).

Regards,

Ari Holtzblatt | WilmerHale

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For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

From: rteich@juno.com <rteich@juno.com>
Sent: Wednesday, September 9, 2020 4:14 PM
To: Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>
Cc: Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; clocicero@tlolawfirm.com; kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; Jennings, Molly <Molly.Jennings@wilmerhale.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>
Subject: RE: CHD v. Facebook, et al.

EXTERNAL SENDER

Ari,

You have my consent to file these two Stipulations and [Proposed] Order.

Separately, I ask you to confirm whether Wilmer Hale will or will not accept service of the Complaint and Summons (and related documents) on behalf of your client Mark Zuckerberg.

Also, I ask all counsel to confirm whether your will or will not accept electronic service of the attached Order reassigning the case to Judge Illston (Dkt #14), and Order re Initial Case Management Conference (Dkt #15), thus obviating the need and expense of separate service.

Earlier I suggested a follow-up phone conference for next Wednesday, September 16, at 11:30am PT to discuss amended Section 3.2, and we agreed to calendar a separate call with Poynter/Politifact counsel to discuss (at least initially) the appropriate ESI-retention protocols for this case.

Please confirm the September 16 phone call or suggest another day/time you would prefer for the Section 3.2 discussion, and another day/time for the initial ESI-related discussion.

I have outlined why I believe both these discussions should be held before October 1, and I would appreciate hearing your views on scheduling these initial discussions.

Sincerely,
Roger Teich

----- Original Message -----

From: "Holtzblatt, Ari" <Ari.Holtzblatt@wilmerhale.com>

To: "rteich@juno.com" <rteich@juno.com>, "Mehta, Sonal" <Sonal.Mehta@wilmerhale.com>

Cc: "clocicero@tlolawfirm.com" <clocicero@tlolawfirm.com>, "kvick@jassyvick.com"

<kvick@jassyvick.com>, "mary.holland@childrenshealthdefense.org"

<mary.holland@childrenshealthdefense.org>, "Jennings, Molly" <Molly.Jennings@wilmerhale.com>, "

Schultz, Allison" <Allison.Schultz@wilmerhale.com>

Subject: RE: CHD v. Facebook, et al.

Date: Wed, 9 Sep 2020 19:27:34 +0000

Roger,

Attached are revised versions of the two stipulations and the proposed order, along with redlines against the versions that you sent us. Please confirm that we can attest to your signature on the two stipulations.

Regards,

Ari

From: rteich@juno.com <rteich@juno.com>

Sent: Wednesday, September 9, 2020 12:23 PM

To: Mehta, Sonal <Sonal.Mehta@wilmerhale.com>

Cc: clocicero@tlolawfirm.com; kvick@jassylvick.com; mary.holland@childrenshealthdefense.org;

Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Jennings, Molly

<Molly.Jennings@wilmerhale.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>

Subject: RE: CHD v. Facebook, et al.

EXTERNAL SENDER

Sonal,

Attached, our revisions in Track Changes to the two Stipulations, [Proposed] Order, and your declaration. You have our consent to file these pleadings only as revised.

I look forward to working with you, too. In normal times, it would still be difficult to file jointly the same day if we receive the drafts at or after the close of business eastern time where Children's Health Defense and its general counsel are located. And, these are not normal times. I'm in Mendocino County right now.

We will not agree to continue the November 20, 2020 case management conference at this time. In particular, we have concerns about ESI retention and protocols in this case for which the Local Rules contemplate a specific meet and confer, and stipulation.

We also believe that such stipulation should commit your clients not to apply amended Section 3.2 of Facebook's Terms of Service (effective October 1, 2020) to Children's Health Defense during the pendency of this litigation, for reasons we can discuss at the ESI-meet and confer.

I look forward to discussing this matter with you at 11:30am today.

best,
Roger Teich

----- Original Message -----

From: "Mehta, Sonal" <Sonal.Mehta@wilmerhale.com>
To: "rteich@juno.com" <rteich@juno.com>, "clodicero@tlolawfirm.com" <clodicero@tlolawfirm.com>
Cc: "kvick@jassylvick.com" <kvick@jassylvick.com>, "mary.holland@childrenshealthdefense.org" <mary.holland@childrenshealthdefense.org>, "Holtzblatt, Ari" <Ari.Holtzblatt@wilmerhale.com>, "Jennings, Molly" <Molly.Jennings@wilmerhale.com>, "Schultz, Allison" <Allison.Schultz@wilmerhale.com>
Subject: RE: CHD v. Facebook, et al.
Date: Tue, 8 Sep 2020 22:23:12 +0000

Roger,

Attached, please find the stipulations we discussed last Friday, extending the deadline responses to the complaint to October 23, and setting a further briefing schedule including a deadline of January 7, 2021, for defendants' replies. (The local rules treat motions for extensions of time to respond to a complaint differently from other extensions, so we have to file two separate stipulations). We would like to get these on file today and appreciate your confirmation that we have permission to sign for you.

Also, given that the motion(s) to dismiss won't be fully briefed until January 2021, we have proposed including a stipulation continuing the November 20 case management conference for the time being.

We can join a call for 30 minutes at 11:30 am PT tomorrow. Speak with you then.

Best,

Sonal N. Mehta | WilmerHale

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From: rteich@juno.com <rteich@juno.com>
Sent: Friday, September 4, 2020 2:01 PM
To: clodicero@tlolawfirm.com
Cc: kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>

Subject: RE: CHD v. Facebook, et al.

EXTERNAL SENDER

Hi All,

This will memorialize our phone call just now in which we agreed to a schedule in which (1) your client defendants will file responses to the Complaint by Friday, October 23, 2020; and (2) plaintiff will file its opposition to any motion to dismiss by Monday, December 7, 2020, subject to plaintiff's good cause for any further extension.

For our part, this agreement assumes that Sonal will also be representing Mark Zuckerberg individually, and that his response and plaintiff's responsive pleading (if any) will be governed by the stipulation. Please confirm at your early convenience.

We think it would be useful to hold another conference call next week to discuss a few early case management issues which are likely to arise. There is also a separate issue concerning Facebook only which we wish to take up with Sonal , perhaps at the end of the call.

How is Wednesday, September 9, at 11:30am PT/ 2:30 pm ET for a (no more than) 30-minute discussion?

Here is dial-in we can use --

Dial-In Number: 515-603-3171
Access Code: 1045032#

Sincerely,
Roger Teich